

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application : **10/517,108**

Applicant(s) : **SEMPLE et al.**

Filed : **12/7/2004**

Confirmation : **1317**

T.C./Art Unit : **2629**

Examiner : **BODDIE, William**

Atty. Docket : **NL-020460**

Title: **LINE SCANNING IN A DISPLAY**

RESTRICTION ELECTION

Mail Stop **Non-Fee Amendment**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement of 24 July 2007, the applicants herein elect what the Examiner refers to as "Group I, claims 1, 11-12, and 19-32" with traverse.

Applicants' traversal is based at least in part on the fact that regardless of whether the identified groups are considered independent inventions, they are so closely related that the search and examination of the entire application can be made without serious burden.

MPEP 803 states:

803 Restriction - When Proper

...If the search and examination of an entire application can be made without serious burden, the examiner **must** examine it on the merits, ***even though it includes claims to independent or distinct inventions.***

...There are **two** criteria for a proper requirement for restriction between patentably distinct inventions:

(A) The inventions must be independent (see MPEP 801.01, 806.04, 808.01) or distinct as claimed (see MPEP 806.05 - 806.05(i)); **and**

(B) There must be a serious burden on the examiner if restriction is required (see MPEP 803.02, 806.04(a) – 806.04(i), 808.01(a), and 807.02).

As is clear in this directive, an invention may be restricted to one of two or more claimed inventions, only if the search and examination of the entire application imposes a serious burden on the Examiner. If the search and examination of the entire application can be made without serious burden, MPEP 803 states that the Examiner **must** examine it on the merits, even though it includes claims to independent or distinct inventions.

Withdrawal of the restriction requirement and examination of the application on its merit are now respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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